

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE SIXTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO
AND
THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR
WRIT PETITION NO: 3907 OF 2023**



Between:

Danaboyina Srinivasa Rao, S/o Bikshalu, Hindu, aged about 50 years, R/o Door No.8-94/1, Kaza, Mangalagiri Mandal, Guntur District.

Petitioner

AND

1. Indian Overseas Bank, Rep. by its Branch Manager, Chandramouli Nagar Branch, Guntur, Guntur District.
2. Authorized Officer, Indian Overseas Bank, Chandramouli Nagar Branch, Bhishop House Compound, Ring Road, Guntur.
3. M/s Tribhuvan Cotton Enterprises, Rep. by its Proprietor Mattupalli Siva Naga Srinivasa Rao, Office situated at Door No.4-16-28, Bharatpet, Guntur.
4. Recovery Officer, Debts Recovery Tribunal, Door No.31-31-21, Saibaba Street, Narayana Bhavan, Daba Gardens, Visakhapatnam.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri ATCHUTUNI RAMA MOHAN RAO presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more in the nature of Writ of Mandamus a) declaring the inaction of the respondents 1 and 2 in not abiding by Rules 9(2) proviso 9(9), 9(10) of securitization Act and Order 21, Rule 2 of CPC are illegal, arbitrary and violative of Principles of Article 300-A and 21 of the Constitution of India and further declaring that the rights in the schedule property of 294 sq.yards of residential site, Plot No.74, D.No.310/A1, nearest Door No.9-15, Kaza Village and Panchayat, Mangalagiri Mandal, Kakani Sub-Registrar Office, Guntur District vests in the petitioner purchaser and attained finality and

b) to declare that the demand notice, dt.14-11-2022 in RP No.28/2022 in 0A.No.1185/2018, DRT, Visakhapatnam issued by 4th respondent is not in accordance with Recovery certificate, dt.30-05-2022 and direct him not to proceed with the property of 294 sq.yards of house site, D.No.310/A1 of Kaza Village, Mangalagiri Mandal, Guntur District in realization of Debt of 3rd respondent and to pass

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri ATCHUTUNI RAMA MOHAN RAO Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Branch Manager, INDIAN OVERSEAS BANK, Chandramouli Nagar Branch, Guntur, Guntur District.
2. Authorized Officer, Indian Overseas Bank, Chandramouli Nagar Branch, Bhishop House Compound, Ring Road, Guntur.
3. The Proprietor Mattupalli Siva Naga Srinivasa Rao, M/s Tribhuvan Cotton Enterprises, Office situated at Door No.4-16-28, Bharatpet, Guntur.
4. Recovery Officer, Debts Recovery Tribunal, Door No.31-31-21, Saibaba Street, Narayana Bhavan, Daba Gardens, Visakhapatnam.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this Writ Petition should not be admitted within three (03) weeks.

The Court made the following

ORDER:

"Notice to respondents.

Post after three (03) weeks."

//TRUE COPY//

Sd/- G. SRINIVAS REDDY
ASSISTANT REGISTRAR

SECTION OFFICER
For ASSISTANT REGISTRAR

To,

1. The Branch Manager, INDIAN OVERSEAS BANK, Chandramouli Nagar Branch, Guntur, Guntur District.
2. Authorized Officer, Indian Overseas Bank, Chandramouli Nagar Branch, Bhishop House Compound, Ring Road, Guntur.
3. The Proprietor Mattupalli Siva Naga Srinivasa Rao, M/s Tribhuvan Cotton Enterprises, Office situated at Door No.4-16-28, Bharatpet, Guntur.
4. Recovery Officer, Debts Recovery Tribunal, Door No.31-31-21, Saibaba Street, Narayana Bhavan, Daba Gardens, Visakhapatnam. (Addressee nos. 1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI. ATCHUTUNI RAMA MOHAN RAO Advocate [OPUC]
6. One spare copy

CVSS

HIGH COURT

**UDPRJ
&
DR VRKKSJ**

DATED:16/02/2023

NOTE: POST AFTER THREE (03) WEEKS.

NOTICE BEFORE ADMISSION

WP.No.3907 of 2023

